

CHAPTER 154

REPORTING ON STATE PARKS AND PRESERVES

H.F. 577

AN ACT relating to required reporting on state parks and preserves.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455A.4, subsection 1, Code 1991, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. Submit a report to the natural resource commission before January 15, 1992, and every five years thereafter, which shall include but not be limited to information on the following topics:

(1) The classification of the state's parks, recreation areas, and preserves and recommendations for their reclassification based upon present and future use.

(2) Methods for maintaining the diversity of animal and plant life in state parks, recreation areas, and preserves.

(3) Options to achieve controlled deer hunting in order to prevent overpopulation of deer.

(4) Prevention of economic damage to private property which is located adjacent to state parks, recreation areas, and preserves.

The portion of the report dealing with preserves shall be prepared in conjunction with the state advisory board for preserves. A copy of the report shall be made available to members of the general assembly by sending a copy of the report to the chief clerk of the house of representatives, the secretary of the senate, and the director of each of the caucus or research staffs of the general assembly.

Approved May 9, 1991

CHAPTER 155

HAZARDOUS WASTE AND HAZARDOUS SUBSTANCE DISPOSAL SITES

H.F. 649

AN ACT relating to hazardous waste and hazardous substance disposal sites.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.381, subsection 2, Code 1991, is amended to read as follows:

2. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is ~~an abandoned or uncontrolled~~ a hazardous waste or hazardous substance disposal site as defined in section 455B.411, subsection 1, is a hazardous condition.

Sec. 2. Section 455B.411, subsection 1, Code 1991, is amended to read as follows:

1. "~~Abandoned or uncontrolled~~ Hazardous waste or hazardous substance disposal site" means real property which has been used for the disposal of hazardous waste or hazardous substances either illegally or prior to regulation as a hazardous waste or a hazardous substance under this chapter part and any adjoining real property and groundwater affected by the disposal activities.

Sec. 3. Section 455B.423, subsection 2, paragraphs a, b, and e, Code 1991, are amended to read as follows:

a. Administrative services for the identification, assessment and cleanup of ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites.~~

b. Payments to other state agencies for services consistent with the management of ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites.~~

e. Financing the cost of cleanup and site rehabilitation activities as well as postclosure operation and maintenance costs of ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~ that do not qualify for federal cost-sharing pursuant to the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.

Sec. 4. Section 455B.423, subsection 3, Code 1991, is amended to read as follows:

3. Neither the state nor its officers, employees, or agents are liable for an injury caused by a dangerous condition at an ~~abandoned or uncontrolled a hazardous waste or hazardous substance disposal site~~ unless the condition is the result of gross negligence on the part of the state, its officers, employees, or agents.

Sec. 5. Section 455B.423, subsection 5, Code 1991, is amended to read as follows:

5. Moneys shall not be used from the fund for ~~abandoned hazardous waste or hazardous substance disposal site~~ cleanup unless the director has made all reasonable efforts to secure voluntary agreement to pay the costs of necessary remedial actions from owners or operators of ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~ or other responsible persons.

Sec. 6. Section 455B.424, subsection 4, paragraph c, Code 1991, is amended to read as follows:

c. Hazardous wastes created or retrieved as a result of remedial actions at an ~~abandoned or uncontrolled a hazardous waste or hazardous substance disposal site.~~

Sec. 7. Section 455B.426, Code 1991, is amended to read as follows:

455B.426 REGISTRY OF ABANDONED HAZARDOUS WASTE OR UNCONTROLLED HAZARDOUS SUBSTANCE DISPOSAL SITES.

1. The director shall maintain and make available for public inspection a registry of confirmed ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~ in the state. The director shall take all necessary action to ensure that the registry provides a complete listing of all sites. The registry shall contain the exact location of each site and identify the types of waste found at each site.

2. The director shall investigate all known or suspected ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~ and determine whether each site should be included in the registry. In the evaluation of known or suspected ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~, the director may enter private property and perform tests and analyses in the manner provided in section 455B.416.

Sec. 8. Section 455B.427, subsections 1, 4, and 5, Code 1991, are amended to read as follows:

1. The director shall annually on January 1 transmit a report to the general assembly and the governor identifying all ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites~~ in the state listed on the registry. A copy of the report shall also be sent to the board of supervisors of every county containing a site.

4. A site classified as properly closed under subsection 3, paragraph "e", shall be removed from all subsequent annual reports and the register of ~~abandoned or uncontrolled hazardous waste or hazardous substance disposal sites.~~

5. The director shall work with the Iowa department of public health when assessing the effects of an ~~abandoned or uncontrolled a hazardous waste or hazardous substance disposal site~~ on human health.

Sec. 9. Section 455B.428, subsections 1 and 2, Code 1991, are amended to read as follows:

1. The director shall investigate each abandoned or uncontrolled hazardous waste or hazardous substance disposal site listed in the registry to determine its relative priority.

2. The director shall identify each abandoned or uncontrolled hazardous waste or hazardous substance disposal site by providing all of the following:

- a. The address and site boundaries.
- b. The time period of use for disposal of hazardous waste or hazardous substances.
- c. The name of the current owner and operator and names of reported owners and operators during the time period of use for disposal of hazardous waste or hazardous substances.
- d. The names of persons responsible for the generation and transportation of the hazardous waste or hazardous substances disposed of at the site.
- e. The type, quantity and manner of hazardous waste or hazardous substances disposal.

Sec. 10. Section 455B.430, subsections 1, 2, 3, and 5, Code 1991, are amended to read as follows:

1. A person shall not substantially change the manner in which an abandoned or uncontrolled a hazardous waste or hazardous substance disposal site on the registry pursuant to section 455B.426 is used without the written approval of the director.

2. A person shall not sell, convey, or transfer title to an abandoned or uncontrolled a hazardous waste or hazardous substance disposal site which is on the registry pursuant to section 455B.426 without the written approval of the director. The director shall respond to a request for a change of ownership within thirty days of its receipt.

3. Decisions of the director concerning the use or transfer of an abandoned or uncontrolled a hazardous waste or hazardous substance disposal site may be appealed in the manner provided in section 455B.429.

5. Immediately upon the listing of real property in the registry of abandoned or uncontrolled hazardous waste or hazardous substance disposal sites, a person liable for cleanup costs shall submit to the director a report consisting of documentation of the responsible person's liabilities and assets, including if filed, a copy of the annual report submitted to the secretary of state pursuant to chapter 490. A subsequent report pursuant to this section shall be submitted annually on April 15 for the period the site remains on the registry.

Sec. 11. Section 455B.467, subsection 2, Code 1991, is amended to read as follows:

2. When the materials sought to be disposed of resulted from remediation or cleanup of abandoned or uncontrolled hazardous waste or hazardous substance disposal sites.

Approved May 9, 1991

CHAPTER 156

COUNTY AGRICULTURAL EXTENSION EDUCATION TAX

H.F. 691

AN ACT relating to the county agricultural extension education tax by adjusting the maximum levy and increasing the maximum dollar amount of property tax revenue which may be raised, and providing effective and applicability dates.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 176A.10, Code 1991, is amended to read as follows:

176A.10 COUNTY AGRICULTURAL EXTENSION EDUCATION TAX.

The extension council of each extension district shall, at a regular or special meeting held in January in each year, estimate the amount of money required to be raised by taxation for financing the county agricultural extension education program authorized in this chapter. The